



Department for  
Communities and  
Local Government

## Consultation questions - response form

We are seeking your views to the following questions on the proposals to support sustainable development and growth through encouraging the reuse of empty and redundant existing buildings where the original use was no longer required or appropriate.

### How to respond:

**The closing date for responses is 15 October 2013**

A response form is available on the DCLG website, and can also be submitted via Survey Monkey at:

<https://www.surveymonkey.com/s/NHXVK66>

Responses should be sent preferably by email:

Email responses to: [Changeofuse.planning@communities.gsi.gov.uk](mailto:Changeofuse.planning@communities.gsi.gov.uk)

Written responses can also be sent to:

Saima Williams  
Consultation Team (Greater flexibilities to change use)  
Planning Development Management Division  
Department for Communities and Local Government  
1/J3, Eland House  
Bressenden Place  
London SW1E 5DU

## About you

### i) Your details:

Name:	James Caird
Position:	Consultant Consultations Co-ordinator
Name of organisation (if applicable):	Institute of Historic Building Conservation
Address:	IHBC Business Office Jubilee House High Street Tisbury Wiltshire SP3 6HA
Email:	consultations@ihbc.org.uk
Telephone number:	01584 876141

### ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

### iii) Please tick the box which best describes you or your organisation:

- District Council
- Metropolitan district council
- London borough council
- Unitary authority
- County council/county borough council
- Parish /community council
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- Non-Departmental Public Body (NDPB)
- Planner
- Professional trade association
- Land owner

- Private developer/house builder
- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	<b>Professional body for historic building practitioners</b>
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**iv) What is your main area of expertise or interest in this work (please tick one box)?**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes  No

## ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

**Question 1: Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?**

**How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?**

Yes  No

Comments

We have serious concerns about the proposal. We think that there are significant risks to legitimate interests (both public and private) in terms of amenity and property values for adjacent and surrounding properties, for the public realm and, especially, the interests of remaining traders in the local economy whose position in the marketplace needs to be supported and not undermined. The mere fact that the proposal will require prior approvals to be implemented demonstrates that such concerns are shared by the Government, and yet the practical difference between the process of applying for and receiving prior approval is little different from that of applying for planning permission which it will replace. The same effect without these risks could be achieved through policy measures with adjustments to the Fees Regulations if deemed necessary. Planning Authorities are aware of the decline in the need for retail property and (generally) deal with such applications sympathetically within the scope of a retail strategy that protects the interests of the local trading community. Those that do not currently do this could be steered towards doing so by strongly worded policy.

In relation to the details we have no objection to the proposed limitations (A1 and A2; 150m<sup>2</sup>; and up to 4 units) although we comment on this that it implies the possibility of very small units and developers may need to be advised about the need for approval under the Building Regulations with all the concomitant implications for space. We also have no objection to the prior approval process for the design aspect, so long as LPAs will be able to apply their normal design policies. We would like to see the provision require the removal of all commercial advertising from the property in the interests of public amenity.

We think the exclusion of Article 1(5) land is essential but note that no reference is made to the setting of listed buildings with which LPAs have a statutory duty to

have regard (s66 TCP(LB&CA)Act 1990). We assume that they will be able to apply the normal criteria for this under the prior approval process in satisfaction of this requirement.

We are concerned about the prior approval process for economic health. We think that this is sound in principle but it does mean that it will be possible for the PD consent to be withdrawn through this process and any Guidance should make this clear.

**Question 2: Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?**

Yes  No

Comments

We think this is a reasonable proposal, because the proposal does not permit consequential alterations to fabric. The installation of ATMs and other alterations can disfigure traditional shopfronts.

**Question 3: Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?**

Yes  No

Comments

We have serious concerns about the proposal. England is renowned for the visual quality of its countryside in a western world in which rurality is typically and widely being eroded by sporadic development and the road traffic it generates. Until now the British planning system has been reasonably successful in avoiding the worst excesses of such "progress" and much of our national tourism appeal depends upon our doing so. We therefore do not

consider that unplanned relaxations of planning control are likely to be of long-term benefit. This is particularly so as rural development is, by and large, more expensive to implement than urban development which means that new housing arising from the proposal is likely to appeal to the better off who are most likely to generate travel demand with all its implications for highway congestion and casual parking demand in town centres.

So, while we are not against rural development as such, we do not favour a relaxation of planning control in the proposed form. We think that planning permission for such developments should continue to be required, with LPAs being steered in the desired direction by Government policy if this is viewed as necessary.

We are unhappy with the terminology used in the consultation. The word "conversion" is prominently used, but this is undermined by the expression "...and, where appropriate, the demolition and rebuilding of the property on the same footprint". Conversion of traditional agricultural buildings (of brick, stone or timber frame) can often be a very effective form of development without significant visual impact. However, replacement of modern agricultural buildings with up to 3 modern dwellings subject only to a "...same footprint..." restriction is likely to result in very obtrusive schemes. This is partly because the "footprint" of many agricultural buildings is unsatisfactory in the first place and partly because there will be no existing design reference point for the new development that exists in an existing traditional building. Making such proposals subject only to prior approval for design risks serious visual damage to the English countryside.

There is no mention of partial replacement; that is to say 3 x 150m<sup>2</sup> dwellings on part of the footprint of a much larger building. We do not think this is appropriate and think that the proposal should be limited to buildings below the normal PD limit of 450m<sup>2</sup> footprint.

We do not object to the proposed 150m<sup>2</sup> limit for each dwelling, but we think that demolition should be limited to that required to effect a conversion and not effectively permit the bulldozing of the building being converted to save cost. We support the proposed limit of 3 dwellings per agricultural unit and would be firmly against any proposal related solely to the extent of redundant buildings available.

We agree with the need for prior approval for design and sustainability but (as in our answer to question 1) this must imply the possibility of outright refusal on these grounds. It must also allow for local policy on the setting of listed buildings to be applied.

We are emphatically against extending the proposals to Article 1(5) land and are so appalled at this aspect of the proposal that we think it must be a misprint in the consultation paper.

**Question 4: Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare, and to carry out building work connected with the change of use?**

Yes  No

Comments

We think this is a reasonable proposal, but required building work should either be limited to internal work only or be subject to prior approval with the same parameters as the other proposals, including being subject to local design policies.

**Question 5: Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools and nurseries providing childcare and to carry out building work connected with the change of use?**

Yes  No

Comments

While we appreciate the need for accommodation for new independent schools, the proposal plays down significantly the extent of traffic generation by rural schools given that nearly all pupils (and with significant numbers from neighbouring towns) will be transported singly by parents and carers on "school runs" with potential for significant adverse impact on rural roads and the communities that use them. We think the need for significant prior approvals will make the process little different from obtaining planning permission in practice and the same effect could be brought about through policy and fee regulation changes.

**Question 6: Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?**

Yes  No

Comments

We appreciate the Government's desire to assist the economy and social institutions in these difficult times. However, the proposals seem largely counter-productive in the long term (without significant advantages in terms of public process) because of their potential damage to widely-supported interests. These include undermining the interests of struggling town-centre traders through unplanned alterations to the distribution of town-centre retail uses and shopping patterns. They also include the erosion of the character of the countryside on which much of our tourism appeal is founded. There is a world of difference in terms of potential visual impact between the careful conversion of traditionally constructed agricultural buildings and the replacement of modern agricultural sheds with complexes of new dwellings. We hope that the Government appreciates these difference and amends the proposals accordingly on the lines we have suggested.

**Thank you for your comments.**

# Consultation criteria

## About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries regarding the consultation process, please contact:  
DCLG Consultation Co-ordinator  
Zone 6/H10 Eland House  
London SW1E 5DU  
email: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)